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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/605,890

11/04/2003

James A. DiLellio

03-0489

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12/08/2006

OSTRAGER CHONG FLAHERTY & BROITMAN, P.C.

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SUITE 825

NEW YORK, NY 10177-0899

EXAMINER

ISSING, GREGORY C

ART UNIT

PAPER NUMBER

3662

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,890

Applicant(s)

DILELLIO, JAMES A.

Examiner

Gregory C. Issing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-13 and 15-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant's amendment fails to clarify the unclear language with respect to "determining . . . an integrity of at least one of said range and said position" since it is unclear if his has anything to do with the plurality of signals from the geo-stationary satellite or if this refers to the navigation receiver making a determination of integrity. The confusion results from the fact that integrity information is provided from the non-geostationary satellite to the navigation receiver, however, it is not understood how the integrity information received from the central station via the non-geostationary satellite has a bearing on the determination of the range and position determined at the navigation receiver. The applicant's amendment of changing "accuracy" to "integrity" fails to provide any clarification.

Claims 11 and 12 remain indefinite. The applicant's amendment of "said" to "a" adds no clarity to the language. Applicant fails to provide any remarks as to the clarification to the language.

Claim 13 remains indefinite since it is not clear what further limitation is added by the language. Applicant fails to provide any remarks as to the clarification to the language.

Claim 24 remains indefinite for the reasons previously set forth. The applicant's amendment of "accuracy" to "integrity" provides no clarification to the language deemed indefinite and the Applicant fails to provide any remarks as to the clarification to the language.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-13 and 15-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most

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nearly connected, to make and/or use the invention. The rejection is set forth in the previous Office Action. The applicant's amendment of the claims changing "accuracy/reliability" to "integrity" does not over the non-enabling disclosure. Applicant fails to address the rejection.

5. Applicant's allegation that the amendments have been made in response to the rejection of claims under 35 USC 112 first and second paragraphs fails to address the rejections or clarify the applicant's position.

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 24-32 and 37-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Clark (6,850,187).

The rejection is set forth in a previous Office Action.

Applicant alleges that Clark fails to teach the limitations of a navigation receiver receiving signals from a non-geostationary satellite that has integrity information which is generated off-board the satellite and a navigation satellite that determines range and position of the satellite's integrity. Regarding the first argument Clark clearly discloses an automated satellite position monitor system (Figure 2) which includes a GPS receiver 202, which is a navigation receiver which receives signals from a GPS satellite 208A, which is a non-geostationary satellite, wherein the navigation message of a GPS satellite includes integrity data. Additionally, GPS satellite 208B meets the scope of a navigation receiver for receiving signals from GPS satellite 208A wherein the navigation message includes integrity data. Additionally, 208B determines the integrity of satellite 208A's signals using those received from 208A and the ground station 210. Satellite 208A transmits an integrity message to all in view navigation receivers either in the navigation message or over an L5 channel. See 7:6-8:39. Applicant's mere allegation that the claim limitations are not shown is not convincing and fails to distinguish over the prior art. Regarding the second argument, the argument does not make any sense : "determines range and position of the satellite's integrity" and thus fails to distinguish over the art. Moreover, Clark specifically uses a navigation receiver for determining position which inherently requires the determination of ranges to the

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satellite as well as the position of the satellite; since such are inherently determined in the navigation receiver and the navigation receiver additionally receives integrity data of the satellite, each of a range, satellite position and an integrity of measurements are determined. There is nothing to distinguish the claimed determination of an integrity of range or position from the teachings of Clark since the purpose of the integrity data is to determine ultimately the integrity of the measurements and hence a navigation solution.

8. Claims 1-13 and 15-28 are rejected under 35 U.S.C. 102(a/e) as being anticipated by Hollreiser et al.

The rejection is set forth in the previous Office Action.

Applicant fails to argue any claim limitations to distinguish the claims over the prior art. The instant claims define a round control station generating integrity data, thus the applicant's argument that GALILEO uses ground-based facilities to send integrity alerts fails to distinguish the claims over the prior art. The applicant's allegation that the prior art fails to teach "software" and is therefore allowable is not well taken since it is well within the knowledge of the artisan in navigation receiver design to assume that the receiver processor includes software for processing the signals and messages of the navigation signals.

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1-13 and 15-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinail in view of Caporicci.

11. The rejection is set forth in the previous Office Action.

12. The applicant fails to provide any distinctions of claim language over the prior art. The Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

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13. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (571)-272-6973. The examiner can normally be reached on Monday - Thursday 6:00 AM- 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (571)-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gregory C. Issing
Primary Examiner
Art Unit 3662

gci